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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,508	07/13/2001	Charles Abbas	1533.0830003/MAC/RGM	3856

26111 7590 10/17/2003

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LAMBERTSON, DAVID A

ART UNIT	PAPER NUMBER
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1636

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO. [REDACTED]	FILING DATE 07/13/2001	FIRST NAMED INVENTOR: Abbas et al.	ATTORNEY DOCKET NO. 1533.0830003/MAC/MBT
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EXAMINER

David A. Lambertson

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Commissioner of Patents

The communication filed **August 12, 2003** is not fully responsive to the Office communication mailed **June 30, 2003** because the amendment does not fully respond to the Office Action. Specifically, Applicant does not address any of the rejections set forth in the previous Office Action at any length.

Applicant has requested that the previous Office Action be vacated and a new Office Action be issued with a new Shortened Statutory Period for Reply. Applicant's request is based upon the non-indication of consideration of several IDS references submitted prior to the mailing date of the previous Office Action. Applicant's request is not granted for the following reasons:

1. There is no statutory basis or grounds in the MPEP upon which such an action should be taken.
2. The previous Office Action is believed to be a complete Office Action in that an adequate search was performed to uncover the relevant art, which was applied in the previous Office Action. In fact, at least one reference from the IDS was specifically considered, and cited on a PTO-892 form in the absence of the supplied references.
3. In the event that a reference in the IDS must be included in the rejection of a claim or claims in a subsequent Office Action, where the rejection is not necessitated by amendment, a second non-final Office Action will be issued.

While the examiner regrets the inconvenience beset upon Applicant regarding the consideration of the missing references on a form PTO-1449, this is not a grounds for the issuance of a new rejection. However, since the references have since been supplied to the examiner, the references have been considered on the corresponding form PTO-1449s, and signed and initialed copies have been included in the file and attached to this Office Action. It is noted that two references (AR17 and AC4) have been crossed through and indicated as duplicates because these references have already been considered on the record elsewhere. Specifically, AR17 is a duplicate of AT3, and AC4 is a duplicate of the reference indicated on the form PTO-892 submitted with the previous Office Action.

Applicant is given a **TIME PERIOD** of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121, effective, March 21, 2001, in order to avoid abandonment.

EXTENSIONS OF THIS TIME MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner **David A. Lambertson**, Art Unit 1636, whose telephone number is (703) 308-8365.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

David A. Lambertson
Examiner, Art Unit 1636


DAVID GAO
PRIMARY EXAMINER